FOR MYSORE STATE

Revenue (195 3) Department.

SERIES.

). NO. 3156

Dated 13-11-1953.

[Despatch Abstract.]

Encroachment - Land - (South Kanara) - Udipi taluk - Kodavur - S.No. 149 - Grazing ground poramboke - Occupation by the Hari Eviction - Orders passed.

LEGISLATIVE ASSEMBLY MINISTER FOR EDUCATION MADRAS
T.A. Pai
Udipi. MAR 1953
GOVERNMENT OF INDIA

Camp-Madras
26th March, '53

Sir,

Some Harijan families have been occupying the last two years, some cattle-grazing land in Chandala Gudde in Adi Udipi in the Udipi taluka. They have brought the land under plough, grown vegitable gardens and put up houses and one feels happy over the way they have deve-loped the place. Of late on account of some representations from people in the neighbourhood that these people should be evicted as they had encroached on theis land, I understand they have been served with notices of eviction. I pray that evictions be stayed and lands occupied by them alredy

be assigned to them for the fol wing reasons:-

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1. They are willing to give up their rights over some land reserved for Harijans very close by which can as well be uti-lised for cattle grazing.

2. That there has been so much develop-ment on the land compared with the slender resources that these people have, they will be not only be put to loss, but it will be a shame to turn out these people from the little houses that they have built up for themselves.

3. It is strange that eviction proceed-ings are started invariably after the encroachments go too far when it becomes difficult for these people to go back. Instead I suggest the Government always

LEGISLATIVE ASSEMBLY
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MADRAS

prevents such encroachments from the beginning itself so that it may cause little hardship to anybody. This does not mean that I justify any encroachment. But some times a more human approach to the problem, I am sure is very much appreciated by your self.

Yours truly,

P. Ankut Pai, M.L.A.,

U D I P I.

Hon'ble Minister for Education &
Harijan Welfare,
Government of Madras,
Madras.

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R.co.viii.

~~This may be transferred~~ to Rev u.o. (Attention is invited to the minutes of M (Sdm) at p.1 cf.)

30353 Rev

RUR 28/3

28/3/53

RW u.o. 21738/viii/53.1

30.3.53.

Special.

Issue today from Rev.

Rev. Dept.

Memo no 28639 A/53 1 dated 4 53.

Encroachment - Land - (South Kanara) - Udipi Taluk - Kehandaliguddi village - grazing ground poramboke - Cultivation and construction of houses by Harijans. Eviction - Representation to evict - Report called for.

From Sri T. A. Pai M.L.A. letter dated 26.3.53

A copy of the letter quoted above is forwarded to the Collector of South Kanara for enquiry and report with the connected records through the Bd. of Revenue.

2. The Collector is also requested to stay eviction proceedings pending issue of final orders on the representation to evict.

1/4/53

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Issued 30/6 15/7 dtd 20/7 Vide

1.6.53.

1.4.53

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REVENUE DEPARTMENT

SUBJECT

Encroachment-Land(South Kanara)Udipi taluk-Kodavur village-S.No.149 Grazing ground poramboke-occupation by Harijan-eviction-report submitted.

Station: Ma... Ref.E.2262-53-2 Dated 12-10-1953

From Sri W.R.S.Sattianathan,I.C.S.,Commissioner of Land Revenue.
Sri R.S.Krishnamoorti.I.A.S.,Secretary Board of Revenue

Read:- Govt.Memo No.28639-A-53-1 Rev. dated 4-4-1953.
From the Collector of S.K.Ref.B5.8595-53 dated 26-9-1953.

Reference.

Submitted to the Government.

2. As the Collector reports that the occupation of the portions of the land in question will not seriously affect the grazing interest of the villagers, the Board recommends that the Collector's proposal to set aside the orders of eviction of the Harijans passed by the R.D.O.Coondapur may be accepted and he may be instructed to take steps to assign the lands to the harijans entitled thereto.

for Secretary.

To: The Secretary to the Government, Revenue Dpearment with Collector's letter and the records of enquiry and sketch)

ta.12.10.

12/10

(A)

Ref.B5.8595/53.

Office of the Collector of South Kanara, Mangalore.
Dated 26th September, 1953.

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From

Sri A.Mahalingam Chettiar, I.A.S.,
Collector of South Kanara, Mangalore.

To

The Secretary to Government,
Revenue Department,
Fort St.George, Madras.

Through

The Board of Revenue
Land Revenue, Chepauk,
Madras.

(In duplicate)

Sir,

Subject: ENCROACHMENT - Land - South Kanara District - Udipi Taluk - Kodavur village - S.No.149 - Grazing ground Poramboke - Letter of Sri T.A.Pai, M.L.A. - Udipi - Report submitted -

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Reference: 1. Government Memo No.28639-A-53-1, Revenue Department, dated 4-4-1953.

2. Board's Reference No. E.2262/53-1 dated 21-9-1953

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In his letter dated 26-3-1953, Sri T.A.Pai, M.L.A. Udipi has brought to the notice of the Government certain encroachments effected by some harijans on the land reserved for grazing purposes and in which eviction proceedings have been taken by the Revenue Divisional Officer Coondapoor under the Land Encroachment Act. As directed by the Government, eviction proceedings have been stayed pending issue of final orders on the letter to Government.

2/- The plot involved in this case is in S.No.149 of Kodavur village in Udipi Taluk. It stands registered as grazing ground poramboke and its extent is 17-70 acres. Fifteen cases of encroachments have sprung up in the plot. I have inspected S.No.149 and the encroachments made therein by the Harijans. The land is registered in the settlement register as grazing ground poramboke. The encroachments consist of some dwelling huts, and small patches of land cultivated with paddy, sweet potatoes and vegetables. There are also some cocoanut, Mango, cashew etc. plants planted about 2 years ago by the encroachers. The soil is somewhat sandy and is not quite good for cultivation. These

Harijan encroachers are casual labourers who were residing in scattered sheds in the patta lands in the locality before they put up the huts in the encroached portion. The encroached portion is on the southern side of the Panchayat Board road leading from Adi-Udipi to Malpe. This area is separated from the rest of the grazing ground by the road. The Harijans have been residing in these huts put up by them for the past about 2 years. They represent that they had no other go but to put up the huts in this Government land when they were evicted by the landlords from their patta lands. The lands reserved for them in this village are far away from their work-spot and they have to cross a river which is not also possible during the monsoon season. I am of opinion that it will be hard to evict them from their present dwellings. They have also spent labour and some money for constructing the huts and bring some portions of the land under cultivation. The area of the portion of grazing ground occupied by the encroachers is 3.15 acres and this block is situated between patta lands on the west and the south, and the road on the north. The occupation of this block by the Harijans will not seriously affect the grazing interest of the villagers. The Revenue Divisional Officer did not personally inspect the encroachments before passing his orders of eviction. The records of enquiry pages 1-130 together with a sketch showing the topo details are enclosed for reference and return. I shall take action to set aside the eviction order of the Revenue Divisional Officer Coondapoor in respect of these encroachments on receipt back of the records now submitted to Government.

Yours faithfully,

26/9/53

Collector, South Kanara.

Enclosures: Pages 1- 130

26/9/53

plwise
13/11/53

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Rev Dept

Read :-

pp 1-3 ef — From Sri T. A. Pai M.L.A letter dated 26-3-53.

p 5 ef — Govt memo no 28639 A/53-1 Rev dated 4-4-53.

pp 7-8 ef — From the Collr of South Kanara letter no B-5-85 95/53 dated 26-9-53.

p 6 ef — From the Bd of Rev Ref E-2262/53-2 dated 12-10-53

G.O. ms. 3156 dated 13-11-53.

On the circumstances stated, p 6 ef — the Govt agree with the Bd of Rev and direct that out of the total extent of para 2 at p 7 ef — 17.70 acres which is classified in the accounts as grazing ground poramboke, an extent of 3.15 acres in S.no 149 of Kodavur village, Udipi taluk, South Kanara district encroached upon by the Harijans, be assigned to them subject to the condition that the lands reserved for the Harijans in the village (about 8 acres) are transferred to grazing ground poramboke.

Vide BB at p 3 N/F and the orders in Fr. at p 4 N.F.

'S' at p 105 (A)

2. The orders of eviction of the Harijans passed by the R.D.O, Coondapur are cancelled.

3. Sri T.A Pai is referred to the Collr of South Kanara for orders on his letter read above.

my 12-11-53 — 12/11/53

Cmm — 13/11/53

16/11

To

The Bd of Rev (L.R.)
(with the records of engiry and sketch returned) (A)
The Collr of South Kanara
Sri T.A. Pai M.L.A
Udipi
South Kanara dt
(para 3 only)

[Gro 28639 A/53]

Encroachment Land - (South Kanara) - Udipi Taluk - Kehandali Gudde village - Grazing ground poramboke cultivation and construction of houses by Harijans. Eviction - Representation to Govt

[From Sri. T.A. Pai. M.L.A. letter dated 26.3.53]

To A.S.

Please see the letter in the cf. from Sri T.A. Pai M.L.A. addressed to M. (Edn.) and the minutes of M. (Edn.) on pl cf.

2. The case relates to the encroachment by certain Harijans by cultivation and construction of houses on a grazing ground poramboke of Kehandaligudde village, Udipi Taluk, South Kanara Dt. Information regarding the survey number and the total extent of the land and the extent encroached upon is not available. It is stated that the Harijans are in occupation of the land for the past two years and that on the objection raised by the neighbours eviction notices have been served upon the encroachers. For the reasons given on pp 2-3 cf, the M.L.A. has requested that eviction may be stayed and that the lands occupied by the encroachers may be assigned to them. In view of the minutes of M. (Edn.) on pl cf; a report may be called for from the collector and he may also be asked to stay eviction proceedings pending issue of final orders on the representation to Govt. A draft memo is submitted for approval. The file may be circulated to M.(L.R.) for approval of the draft memo below.

P. [illegible] 1/4/53

1.4.53

1.4.53

S.

M. A. [illegible] 1/4/53

M. (L.R.) 2/4

SECRETARIAT (APR 1953) REVENUE DEPARTMENT

Issued as Memo. No. 28639 A/53-1 Rev., dated 4-4-53.
From the Bd. of Rev. Ref. B. 2262/53-2 dated 12-10-53.

To U.S

Please see the notes on p.1 ante, the memo. at p.5 C.F., the Collector's report at pp.7-8 C.F. and the Board's remarks thereon at p.6 C.F.

2. The plot involved in this case is in S.No.149 of Kodavur village, Udipi taluk, South Kanara district which is classified as grazing ground poramboke. A portion of this S.No. has been encroached upon by 15 Harijan families. The extent encroached upon is 3.15 acres out of 17.70 acres. The eye sketches of the land at pp.95 and 125 of the records of enquiry at (A) may be perused. The encroachments consist of dwelling huts and small patches of land cultivated with paddy, sweet potatoes and vegetables. Besides, there are also some cocoanut, mango, cashew etc. plants planted by the encroachers. The total extent of grazing ground poramboke in the village is 77.76 acres. The Collector considers that the occupation of this plot by the Harijans will not affect the grazing interest of the villagers. He has accordingly requested that he may be permitted to set aside the orders of eviction of the Harijans passed by the R.D.O., Coondapur and assign the lands to the Harijans. The Board has recommended the proposal.

3. According to G.O.No.1523 Rev., dated 11-6-49, there should be at least one acre of pasture land for every head of cattle. The total extent of grazing ground poramboke in the village is 77.76 acres for a cattle population of over 1800. This extent is far below the extent required for the cattle. It is seen from the Tahsildar's report at p.80 of (A) that grazing ground in S.No.149 in which the encroachments form portions, appears to have come into existence after the adjoining Kadimdars voluntarily relinquished their kumki lands for the common use of the villagers as a grazing ground poramboke. The Tahsildar considers that this land is quite essential for the cattle of the village. The District Welfare Officer has also

para 2 at p 7 C/F

P 105 (A)

para 2 at p 7 C/F

'T' at p 103 (A)

'M' at p 8 C/F

p 8 C/F

p 6 C/F

note (i) under para 4 at p 2 (V)

'T' at p 103 (A)

P 81 (A)

p 40

inspected the field. As the kumki rights in the field have been voluntarily relinquished by the kumkidars setting apart the field for the common use of the villagers, he considered that the land should be classed separately and not with other grazing ground. He also states that the Harijans entered the field knowing well that the villagers were opposed, and that there are lands reserved for Harijans about 1½ miles away which they could occupy. The Harijans are not willing to go there and are also willing to give up their rights over the lands reserved for them, --- Please see 'S' at p.2 C.F. The R.D.O. is of the view that as the lands reserved for the Harijans in the village are away from their work spot and are not also fit for occupation, they could be transferred as grazing ground porambokes assigning the lands now encroached upon.

4. His suggestion no doubt circumvents the orders in G.O. No. 1523 Rev., dated 11-6-49. But the objection of the villagers still remains. In the circumstances, it is for orders whether the Board's recommendation that the Collector may be permitted to set aside the orders of eviction of the Harijans passed by the R.D.O. Coondapur and assign the lands to the Harijans, may be accepted subject to the condition that the lands reserved for the Harijans should be converted into grazing ground porambokes.

5. As regards Sri T.A. Pai's observation that eviction proceedings are started invariably after the encroachments go too far when it becomes difficult for these people to go back, attention is invited to para 3 of the Tahsildar's report at p.103 of (A). It is seen therefrom that the encroachers were aware of the fact that the land in question was not available for assignment and that they occupied and built up the hut in spite of warning from the village officers. The

[28639 B/53]

plots were occupied on or about 27-5-51 and the B. memo. was issued on 2-6-51.

mj 4-11-53 3.8 4/11/53

Pl. see the Collector's report at page 8 C.7. He has definitely stated that the present occupation by the Harijans of the block in question will not seriously affect the grazing interests of the villagers and that the earlier order of eviction by the RDO was passed without a local inspection having been made.

As regards the 'one-acre-per-head of cattle' rule, this is an ideal which is hardly ever realised in practice.

In the circumstances of this case, the BT's recommendation to accept the Collr's proposal may be accepted with the condition that the lands hitherto reserved for the Harijans (about 8 acres) may be transferred to grazing ground puramboke as suggested by the RDO in this report at p. 105 of File (A) below.

S
M (R)

Mr

On para 5 of the note above (p. 3 ante) no specific action appears to be necessary

Mr 9/XI/53

S

7/11/53

I agree. In this case, proposal at B B on p 3 is a reasonable one, and achieves the main object of not diminishing available grazing purambokes. Therefore B B on p 3 may be accepted, agreeing with Bd & Collr.

9/XI/53

M. (R.)

M. A. Manickavasagam
11. 11. 53

DEPUTY SECRETARY TO BOARD OF REVENUE
11 NOV 1953
REVENUE DEPARTMENT

Folio 5

with reference to the orders in circulation at the bottom of the previous page, a draft order is submitted for approval.

12-11-53 12/11/53

13/11/53